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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-08-720 SBA
	)	
Plaintiff,	)	STIPULATION AND ORDER TO
	)	CONTINUE STATUS CONFERENCE
v.	)	AND EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT
MARK MALDONADO,	)	
	)	
Defendant.	)	
_____	)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, Lynda Joy Westlund, that the status hearing presently set for October 13, 2009, be continued to November 10, 2009 at 9:00 a.m.

The request for a continuance is due to defense counsel's scheduling conflict; defense counsel is currently appearing in a trial in Southern California. In addition, defense counsel continues to investigate the case and review the discovery produced by the government. The parties are also discussing a possible disposition by plea agreement. The parties agree that the delay is not attributable to lack of diligent preparation on the part of either party. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on the

defendant's need for reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The parties agree that the waiver covers all time between October 13, 2009 and November 10, 2009.

IT IS SO STIPULATED:

Dated: October 9, 2009

/S/  
LYNDA JOY WESTLUND  
*Attorney for Maldonado*

Dated: October 9, 2009

/S/  
JOSHUA HILL  
Assistant United States Attorney

### ORDER

GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this matter now scheduled for October 13, 2009 is hereby rescheduled for November 10, 2009 at 9:00 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds that failing to exclude the time between October 13, 2009 and November 10, 2009 would unreasonably deny the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between October 13, 2009 and November 10, 2009 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, it is hereby ordered that the time between October 13, 2009 and November 10, 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: October 13, 2009

  
HONORABLE SAUNDRA B. ARMSTRONG  
United States District Court Judge